

House Bill 1347 (AS PASSED HOUSE AND SENATE)

By: Representatives Manning of the 32nd, Tumlin of the 38th, Ehrhart of the 36th, Johnson of the 37th, and Setzler of the 35th

A BILL TO BE ENTITLED

AN ACT

To amend an Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L. 1971, p. 3620), as amended, so as to change the provisions relating to the corporate limits of the city; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L. 1971, p. 3620), as amended, is amended by adding at the end of Section 1.02 the following:

"The corporate limits of the City of Kennesaw shall also include the following described parcels of land:

TRACT NO. 1

All that tract or parcel of land lying and being in Land Lot 136, 20th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at an iron pin placed at the northeast corner of the intersection of Big Shanty Road (50' R/W) and Carrie Road (50' R/W); thence running north 03 degrees 51 minutes 16 seconds east along the easterly right-of-way line of Carrie Road, 220.10 feet to an open top pipe found at the southwest corner of Lot 3 of Big Shanty Industrial Park, as per Plat recorded in Plat Book 154, Page 95, Cobb County records; thence running south 87 degrees 35 minutes 51 seconds east along the southerly line of said Lot 3, 198.27 feet to a rebar found at the northwest corner of Lot 4 of the said Big Shanty Industrial Park; thence running south 03 degrees 54 minutes 52 seconds west along the westerly line of said Lot 4, 220.23 feet to an open top pipe found on the northerly right-of-way line of Big Shanty Road and the southwest corner of said Lot 4; thence running north 87 degrees 33 minutes 39 seconds west along the northerly right-of-way line of Big Shanty Road, 198.04 feet to the Point of Beginning, being 43,612 S.F. more fully shown on the Above The Ground As Built Survey prepared for

McGee & Oxford, LLP, by Solar Land Surveying Company, John W. Stanzilus, Jr.,
Registered Land Surveyor No. 2108, dated September 9, 2004.

TRACT NO. 2

1503 Old 41 Highway

All that tract or parcel of land lying and being in Land Lot 212 of the 20th District, 2nd
Section of Cobb County, Georgia, as shown on plat of survey made for Jerry W. Cooper
and Debbie L. Cooper by Lana S. Bishop, Registered Land Surveyor, dated March 30,
1973, and being more particularly described as follows:

BEGINNING at an iron pin at the point of intersection of the southwesterly side of Old
41 Highway and the South line of Land Lot 212, running thence northwesterly along
the southwesterly side of Old 41 Highway, and following the curvature thereof, 398.8
feet to an iron pin, thence South 12 degrees 42 minutes West 285.62 feet to a marble
marker on the South line of Land Lot 212; thence South 88 degrees 34 minutes 57
seconds East along said Land Lot line 320 feet to the point of beginning.

1515 Old 41 Highway

All that tract or parcel of land lying and being in Land Lot 212 of the 20th District, 2nd
Section, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at a marble corner on the south line of said Land Lot 212, at the
southwest corner of property now or formerly owned by E.W. Harris; running thence
northeasterly along the northwesterly line of said Harris property, two hundred eighty-
six (286) feet to an iron pin on the southwesterly line of Old U.S. Highway No. 41;
running thence northwesterly along the southwesterly line of said Highway, two
hundred twenty-one (221) feet to an iron pin at the northeast corner of property now
or formerly owned by Harold T. Ellison; running then southwesterly along the
southeasterly line of said Ellison Property, four hundred thirty-seven (437) feet to an
iron pin on the south line of said Land Lot 212; running thence east along the south
line of said Land Lot 212, two hundred (200) feet to a marble corner and the point of
beginning, said premises being shown by plat of survey prepared by J.P. Phillips,
Surveyor, date March 21, 1957.

1535 Old 41 Highway

Parcel 14

1 All that tract or parcel of land lying and being in Cobb County, Georgia, and in the 20th
2 District and 2nd Section and in Land Lot No. 212 and containing 2.27 (Two and Twenty-
3 Seven One-Hundredths) acres and is more particularly described as follows:

4 BEGINNING at an iron pin on the south west side of Old U.S. Highway No. 41 and at
5 the north west corner of property now or formerly owned by Howard D. Ellison, (this
6 iron pin is also 236 feet, more or less, as measured along the south west side of Old
7 U.S. Highway No. 41 from a driveway that leads south from the Old U.S. Highway near
8 this point), thence running south 11 degrees west along the land now or formerly owned
9 by Howard D. Ellison, 437 feet to an iron pin on the original land line that is on the
10 south side of said lot, thence west along the original line 200 feet to an iron pin, thence
11 north 11 degrees east along the land now or formerly owned by C.L. Ellison, 580 feet
12 to an iron pin on the south west side of Old Highway No. 41, thence south easterly
13 along the south west side of Old Highway No. 41, 221 feet to an iron pin and point of
14 beginning.

15 1535 Old 41 Highway

16 Parcel 29

17 All that tract or parcel of land lying and being in Land Lot 212 of the 20th District, 2nd
18 Section, Cobb County, Georgia, being part of the land shown in said land lot on plat of
19 same prepared by J.P. Phillips, dated August 30, 1961, said plat being designated property
20 of C.L. Ellison and being more particularly described as follows:

21 TO FIND THE POINT OF BEGINNING, BEGIN at the intersection of the center line
22 of the Georgia Power Company power line with the south west side of the right of way
23 of Old Highway 41 as is shown on the aforesaid plat, thence run southerly along the
24 west property line of the property now or formerly owned by Mrs. Belle Ellison for a
25 distance of 502 feet to an iron pin; thence running east southeasterly along the southerly
26 side of the property now or formerly owned by Mrs. Belle Ellison and forming an
27 interior angle within property now or formerly owned by Mrs. Belle Ellison of 87
28 degrees 17 minutes and running for a distance of 339.4 feet to an iron pin and corner
29 and the point of beginning; from this point of beginning thence run southerly forming
30 an interior angle with the preceding course of 94 degrees 35 minutes for a distance of
31 200 feet along the property belonging to Harold T. Ellison and being transferred to
32 Mary Morris Ellison this date; thence running westerly forming an interior angle of 85
33 degrees 25 minutes with the preceding course for a distance of 200 feet; thence running
34 northerly forming an interior angle with the preceding course of 94 degrees 35 minutes
35 for a distance of 200 feet to an iron pin and corner and the property now or formerly

owned by Mrs. Belle Ellison; thence running southerly forming an interior angle with the preceding course 85 degrees 25 minutes for a distance of 200 feet to an iron pin and corner and the point of beginning.

The above-described property is in the shape of a parallelogram and is part of the tract of property, which was conveyed to Harold T. Ellison by C.L. Ellison on March 14, 1966, by deed recorded in Deed Book 900, Page 563, Cobb County Records, Georgia.

1565 Old 41 Highway

All that tract or parcel of land lying and being in Land Lot No. 212 of the 20th District, 2nd Section, Cobb County, Georgia, as shown on plat of same prepared by Robert T. Weaver, Surveyor, dated December 30, 1959, recorded in Plat Book 20, Page 41, Cobb County Records, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin located on the Southwest side of the Old U.S. Highway 41 (Dixie Highway) 338 feet Southeasterly of the intersection of the Southeast side of the Collins Road right of way with the Southwest side of the Old U.S. Highway 41 (Dixie Highway) right of way; Thence running South 49 degrees 37 minutes East for a distance of 309.5 feet along the Southwest side of the Old U.S. Highway 41 (Dixie Highway) right of way to an iron pin and corner; thence running South 12 degrees 08 minutes West for a distance of 380 feet to an iron pin and corner; thence running North 72 degrees 46 minutes West for a distance of 339 feet to an iron pin and corner; thence running North 19 degrees 33 minutes East a distance of 500.5 feet to an iron pin and corner and the point of beginning.

TRACT NO. 3

ALL that tract of parcel of land lying and being located in Land Lot 63, of the 20th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING commence at an iron pin located at the intersection of the Northeasterly right-of-way of the CSX Railroad (right-of-way varies and the North line of Land Lot 63 and running thence in a Southeasterly direction along the Northeasterly right-of-way of the CSX Railroad and following the curvature thereof for an arc distance of 324.73 feet (said arc having a radius of 2162.15 feet with a chord of South 63 degrees 45 minutes 36 seconds East 324.43 feet to a point; thence running South 59 degrees 27 minutes 27 seconds East along the Northeasterly right-of-way of the CSX Railroad for a distance of 179.48 feet to an iron pin (#4 rebar) which is the TRUE POINT OF BEGINNING; thence running North 30 degrees 32 minutes 33

seconds East for a distance of 138.60 feet to an iron pin (#4 rebar); thence running South 80 degrees 43 minutes 16 seconds East for a distance of 275.74 feet to an iron pin (#4 rebar); thence running South 30 degrees 32 minutes 33 seconds West for a distance of 170.00 feet to an iron pin (#4 rebar) located on the Northeasterly right-of-way of the CSX railroad; thence running North 74 degrees 24 minutes 17 seconds West along the Northeasterly right-of-way of the CSX Railroad for a distance of 265.97 feet to an iron pin (#4 rebar) which is the TRUE POINT OF BEGINNING.

Said tract contains 0.91 acres.

TRACT NO. 4

1695 Kennesaw-Due West Road

All that tract or parcel of land lying and being in land lot 216 of the 20th district, 2nd section, Cobb County, Georgia, and being known as 0.95 acres as per plat of survey prepared by North Georgia Engineers, Inc. for Steve Womack, dated July 20, 1988, and being more particularly described as follows:

Beginning at a point located on the west right-of-way of Kennesaw-Due West Road, said point being located a distance of 941.50 feet in a southerly direction from the intersection of the west right-of-way of Kennesaw-Due West Road with the north line of Land Lot 215; running thence in a southwesterly direction along the west right-of-way of Kennesaw-Due West Road a distance of 190.00 feet to a point; running thence South 89 degrees 32 minutes 00 seconds West a distance of 204.49 feet to a point; running thence North 03 degrees 49 minutes 00 seconds West a distance of 189.52 feet to a point; running thence North 89 degrees 32 minutes 00 seconds East a distance of 233.00 feet to the west right-of-way of Kennesaw-Due West Road and the point of beginning.

1701 Kennesaw Due-West Road

All that tract or parcel of land lying and being in land lot 216 of the 20th district, 2nd section, Cobb County, Georgia, and being that property shown on a plat of survey prepared for Virgil Womack by J.P. Phillips, Surveyor, on March 20, 1963, and being more particularly described as follows:

BEGINNING at an iron pin on the west side of Kennesaw-Due West Road 597.5 feet southerly of the point where said road intersects the north original line of said land lot; running thence south along the west side of said Kennesaw-Due West Road 644 feet to an iron pin; thence west 248 feet to an iron pin; thence northwesterly forming an interior angle of 93 degrees 21 minutes with the preceding course 300 feet to an iron

pin on the center line of a Georgia Power Company Tower line; thence continuing northwesterly forming an interior angle of 190 degrees with the preceding course 402 feet to an iron pin; thence easterly forming an interior angle of 70 degrees with the preceding course 422 feet to the iron pin at the point of beginning.

1751 Kennesaw Due-West Road

All that tract or parcel of land lying and being in land lot 216 of the 20th district, 2nd section, Cobb County, Georgia as shown survey prepared for Mrs. C.E. Wilkins, Sr., by J.P. Phillips, Surveyor, dated November 1, 1966, and being more particularly described as follows:

BEGINNING at an iron pin on the westerly side of Kennesaw-Due West Road 387.5 feet southerly, as measured along the westerly side of Kennesaw-Due West Road, from the intersection of the westerly side of Kennesaw-Due West Road with the north line of Land Lot 216; run thence southerly along the westerly side of Kennesaw-Due West Road a distance of 210 feet to an iron pin; run thence westerly a distance of 422 feet to an iron pin; run thence northerly a distance of 210 feet to an iron pin; run thence easterly along a line that forms an interior angle of 98 degrees, 40 minutes with the preceding course a distance of 206 feet to an iron pin; run thence easterly along a line that forms an interior angle of 167 degrees, 15 minutes with the preceding course a distance of 220.5 feet to an iron pin on the westerly side of Kennesaw-Due West Road and the point of beginning; being improved property having a house located thereon know as 222 Kennesaw-Due West Road according to the present system of numbering houses in Cobb County, Georgia.

1791 Kennesaw-Due West Road

All that tract or parcel of land lying and being in land lot 216 of the 20th district, 2nd section, Cobb County, Georgia, containing 3.4 acres as shown on that certain plat of survey prepared by J.P. Phillips, registered land surveyor, dated July 3, 1962 and being more particularly described as follows:

BEGINNING at an iron pin located on the northwesterly right-of-way of Kennesaw Due West Road (40 foot right-of-way) at its intersection with the south land lot line of land lot 203, same being the north land lot line of land lot 216; run thence south along the northwesterly right-of-way of Kennesaw Due West Road and following the curvature thereof a distance of 387.5 feet to an iron pin; run thence north 12 degrees 45 minutes west, 220.5 feet to an iron pin; run thence westerly a distance of 206 feet to an iron pin; run thence north at a corner angle of 88 degrees 50 minutes a distance of 300

1 feet to an iron pin located on the north land lot line of land lot 216; thence running east
2 along the dividing land lot line of land lots 203 and 216; run thence at a corner angle
3 of 90 degrees 00 minutes a distance of 600 feet to an iron pin located on the
4 northwesterly right-of-way of Kennesaw Due West Road and the point of beginning."

5 **SECTION 2.**

6 All laws and parts of laws in conflict with this Act are repealed.